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January 4, 2008

BY HAND

The Honorable Charles L. Brieant
United States District Court Judge
Southern District of New York
300 Quarropas Street
White Plains, New York 10601

*1/6/08
1248*

**Re: United States v. Elton Kulli
07 Cr. 812(CLB)**

Dear Judge Brieant:

This letter is written on behalf of Mr. Elton Kulli who is currently scheduled for sentencing before this Court on Thursday, January 10, 2008, at 9:00 a.m. We respectfully ask this Court to sentence Mr. Kulli, to a non-Guideline sentence that is sufficient, but not greater than necessary as mandated by Title 18 U.S.C. Sec. 3553. Mr. Kulli is an illegal immigrant who faces certain deportation upon completion of his term of incarceration. We ask this Court to sentence Mr. Kulli to 12 months of incarceration on Count One and seven years consecutive on Count Two. We further respectfully request that this Court designate that this sentence is to be calculated from his initial date of arrest on July 30, 2007. Mr. Kulli has been detained since that time.

Mr. Kulli is a 24-year-old Albanian National. For reasons that remain unclear, on July 30, 2007, he broke into a bank, held the employees at gunpoint and exited the bank with the money. He was immediately apprehended by the police, with the gun and money in his car. He admitted his guilt, signed a waiver and made a written statement to the police. This case has proceeded very quickly. One month after his arrest he was Indicted. On October 10, 2007, he pleaded guilty to the Two Count Indictment, charging him with armed bank robbery, and using a gun in the commission of a felony, the bank robbery. The plea was entered pursuant to a *Pimentel* Letter dated September 11, 2007. He fully accepts responsibility. As a result the government did not have to expend any time on motion practice, or trial preparation. Additionally, this Court did not have to expend precious judicial energy on pretrial matters.

We have received and reviewed the Presentence Investigation Report and Recommendation, ("PSR"). The Guideline calculations in the PSR are in conformity with those in the *Pimentel*. It is our position that the two level enhancement for the amount of money taken, more than \$50,000,

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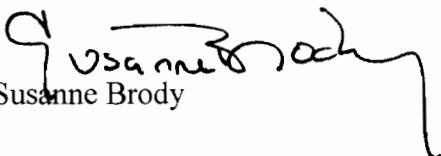
but less than \$250,000, is an unnecessary enhancement as the amount of money, which was immediately recovered, in no way increases Mr. Kulli's culpability, or the seriousness of the crime. It does nothing more than increase his Guideline level. Surely the nature of the crime would be no different if he had taken \$49,000.00. As Count Two requires a mandatory seven year consecutive sentence, we ask this Court to consider the other factors of Sec. 3553 in determining the sentence as to Count One.

Mr. Kulli is 24-years- old. He has been in this country for many years, and has not been involved in any major criminal activities. He is not a member of a gang and committed this crime alone. It is hard to believe that he thought he could get away with this crime. He is not able to explain why he did this. Perhaps it was his use of drugs. It is very unclear. In any event it is a serious crime and a sentence of eight years would satisfy the mandate of both a specific and general deterrence. He will be deported, so there is little likelihood he would be able to commit any future crimes. He is young and eight years is a very significant sentence for a young man. It would seem that this would be a sufficient sentence, but not greater than necessary.

To his credit he not only worked, but paid taxes. He is an industrious young man. His entire family, save an uncle and aunt remain in Albania. A letter from his aunt, Florinda Vushaj, speaks of the path this young man has taken since in arrival in the States. Elton's letter to this Court shows remorse for this crime. Certainly his age and immaturity played a role in the criminal conduct and also in his belief that he could get away with the crime.

We respectfully ask this Court for a non-Guideline sentence of eight years and whatever special conditions this Court deems appropriate.

Sincerely Yours,


Susanne Brody

cc: Brent S. Wible, Esq.
Assistant United States Attorney

Margaret Reveira, U.S.P.O.

Mr. Elton Kulli